OHIO COULD SAVE BIG BY IMPLEMENTING BAIL REFORM:
A FISCAL IMPACT ANALYSIS

RISK ASSESSMENTS

ACLU Ohio

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WHAT ARE RISK ASSESSMENTS?

Risk assessment tools use algorithms to purportedly help determine whether an individual defendant creates a risk of failing to appear at future court dates or of engaging in new criminal activity.

WHAT ARE SOME OF THE FACTORS UPON WHICH RISK ASSESSMENTS RELY?

Different risk assessment tools rely on different factors. Some factors utilized by risk assessments include: age at first arrest, whether someone is from a high-crime neighborhood, past convictions, past failures to appear, etc.
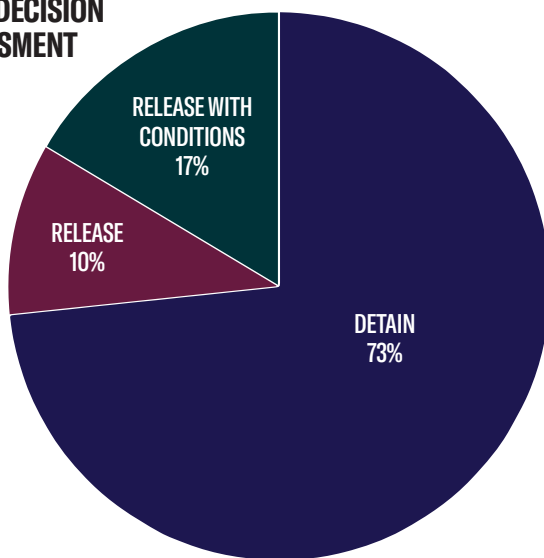
WHY ARE THESE FACTORS PROBLEMATIC?

- Some of the above factors, such as whether someone is from a high-crime neighborhood, is a direct example of how our society criminalizes poverty.
- Other factors, such as anything related to arrests (as opposed to convictions) are a better indicator of over policing and police bias than an individual's riskiness.
- Even convictions are a poor proxy for riskiness. 90% of convictions are made via plea deals. In jurisdictions that rely on cash bail, many individuals are given the choice of pleading guilty and going home to their family or waiting months in jail in order to demonstrate their innocence.
- Even the use of past failures to appear misconstrues appearance failure with flight. An algorithm that just looks at factors is not able to take into consideration whether someone has a failure to appear on their record because they showed up to court an hour late, relied to their detriment on public transportation, did not have childcare coverage, or if they were sick on the day of their court date.
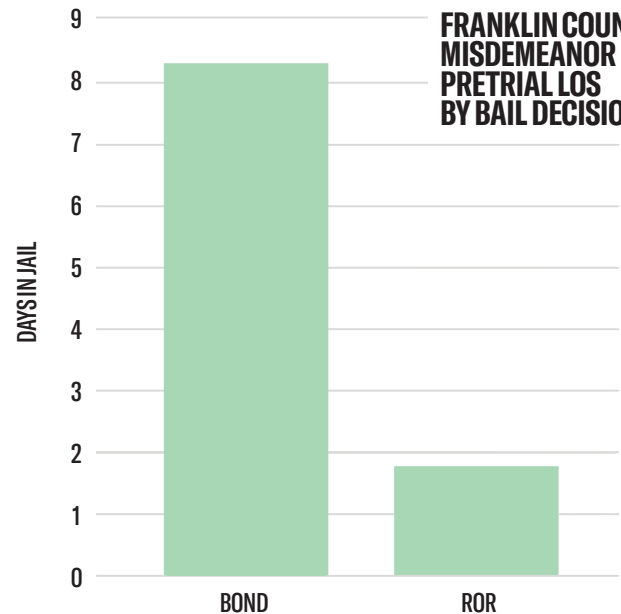
WHAT DOES DATA SHOW ABOUT HOW RISK ASSESSMENTS ARE BEING USED?

- In Cleveland, of the defendants who had a three or lower on both their failure to appear and new criminal activity scores, and did not have a violence flag, over 60% still received a recommendation to detain. This means that a majority of the lowest risk individuals without a violence flag are still not being recommended for release.
  - When a defendant has a release decision of "detain," they stay in jail three to four times longer for misdemeanors and five to six times longer for felonies.
- In Franklin County, when the bail recommendation is "defer," 75% of the bookings have a bond set. Those released on their own recognizance stay less than two days in jail, but those with a monetary bond set stay 4.7 times longer.

CLEVELAND RELEASE DECISION BY ASSESSMENT

RELEASE WITH CONDITIONS
17%

RELEASE
10%

DETAIN
73%

FRANKLIN COUNTY MISDEMEANOR PRETRIAL LOS BY BAIL DECISION

DAYS IN JAIL

BOND | ROR

DOES THE DATA SHOW THERE ARE RACIAL DISPARITIES IN RISK ASSESSMENT SCORES?

Yes. In Cleveland, Black individuals were more likely to score higher on the new crime, new violent crime, and failure to appear risk scores. This speaks to underlying bias in the criminal legal system. We know that communities of color are over policed and more likely to be arrested for crimes they have not committed. Further, we know innocent Black individuals are more likely to be wrongfully convicted than white individuals. This alters many of the factors on which risk assessment tools rely, making it more likely that people of color will wrongfully be determined to pose a higher risk.

To learn more about how much money Ohio could save by implementing common sense bail reform, visit **ACLUOhio.org/BailReport.**

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